

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**SHERONDA BYRD-GIVENS,**

**Plaintiff,**

**v.**

**Civil Action 2:16-cv-410  
Judge Michael H. Watson  
Magistrate Judge Jolson**

**STEPHEN E. ASCH, et al.,**

**Defendants.**

**ORDER AND REPORT AND RECOMMENDATION**

Plaintiff has filed an unopposed motion for leave to file an amended complaint seeking to “clarify the constitutional claims” and “remove the time-barred claims of assault and battery.” (Doc. 11 at 1). Rule 15(a)(2) of the Federal Rules of Civil Procedure provides that, when a party must seek leave of court to amend a pleading, “[t]he court should freely give leave when justice so requires.” For good cause shown, and in light of the federal policy in favor of liberal amendment, the motion for leave to file an amended complaint is GRANTED. (Doc. 11). The Clerk should file Exhibit 1 to Doc. 11 as the amended complaint. In light of the filing of the amended complaint, the Court recommends that the Motion to Dismiss claims in the original complaint be DENIED as MOOT (Doc. 8).

IT IS SO ORDERED.

Date: August 2, 2016

/s/ Kimberly A. Jolson  
KIMBERLY A. JOLSON  
UNITED STATES MAGISTRATE JUDGE